



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JUNE 23, 2005**

CALL TO ORDER: Chairperson Harrison called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Harrison, Commissioners Chan, Lorenz, Lydon, Sharma, and Weaver

ABSENT: Commissioner King

STAFF PRESENT: Jeff Schwob, Planning Director
Larissa Seto, Senior Deputy City Attorney II
Julie Vidad-Balmoja, Recording Clerk
Joel Pullen, Planner I
Chavez Company, Remote Stenocaptioning
Duke DeLeon, Video Technician

APPROVAL OF MINUTES: Regular Meetings of May 26, and June 9, 2005 were approved as submitted.

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 2, 3, 4, 4a, 5 AND 6.

IT WAS MOVED (WEAVER/SHARMA) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTIONS ON ITEM NUMBERS 1, 2, 3, 4, 4a, 5 AND 6.

Item 1. FREMONT PARK GOLF CENTER – 39751 Stevenson Place – (PLN2005-00281) - to consider a Preliminary Grading Plan to redistribute approximately 14,000 cubic yards of soil and install synthetic turf on an existing golf driving range property located in the Central Planning Area. This project is categorically exempt from CEQA review, per Section 15304(a),

HOLD PUBLIC HEARING;

AND

FIND PLN2005-00281 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE AND PARKS AND RECREATION CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND PLN2005-00281 PER EXHIBIT "A" (PRELIMINARY GRADING PLAN) AND EXHIBIT "B" (FINDINGS AND CONDITIONS) FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

APPROVE PLN2005-00281 IN CONFORMANCE WITH EXHIBIT "A" (PRELIMINARY GRADING PLAN) AND EXHIBIT "B" (FINDINGS AND CONDITIONS).

- Item 2. REMAX EXECUTIVE REALTY PUD AMENDMENT – 45208 & 45216 South Grimmer Boulevard – (PLN2004-00254)** - to consider a Planned Unit Development amendment, Vesting Tentative Parcel Map and Variance for a three-lot residential subdivision (where two lots exist) for property located in the Mission San Jose Planning Area. This project is exempt from CEQA, per section 15332 Infill Development Projects.

Chairperson Harrison suggested, and the Commission agreed, the addition of a condition concerning hours of construction.

HOLD PUBLIC HEARING;

AND

FIND THE PROJECT CATEGORICALLY EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15332, IN-FILL DEVELOPMENT PROJECT;

AND

FIND PLN2004-00254 CONSISTING OF AS VARIANCE, PLANNED UNIT DEVELOPMENT AMENDMENT (PUD-77-5B) AND TENTATIVE PARCEL MAP 8395 ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN;

AND

FIND PLN2004-00254 CONSISTING OF AS VARIANCE, PLANNED UNIT DEVELOPMENT AMENDMENT (PUD-77-5B) (AS SHOWN ON EXHIBIT "A"), AND TENTATIVE PARCEL MAP 8395 (AS SHOWN ON EXHIBIT "B"); FULFILL THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

APPROVE PLN2004-00254 CONSISTING OF AS VARIANCE, PLANNED UNIT DEVELOPMENT AMENDMENT (PUD-77-5B) AND TENTATIVE TRACT MAP 8395 IN CONFORMANCE WITH EXHIBIT "A" AND "B" BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "C".

- Item 3. FIRE STATION 6 – 4355 Central Avenue – (PLN2005-00278)** - to consider a Precise Planned District to allow an approximately 13,200 square foot fire station and a 2,600 square foot reserve apparatus storage building on a 2.5 acre site located in the Centerville Planning Area. A negative declaration has been previously prepared and adopted for this project.

CONTINUE TO JULY 14, 2005 TO ALLOW THE APPLICANT TO REVISE THE PROPOSED DESIGN.

- Item 4. CITY OF FREMONT – Land Use Range Enabler – (PLN2005-00221 part one)** – to consider zoning text amendments to the Single Family R-1-10, R-1-8 and R-1-6 districts and Article 27, Site Plan and Architectural Approval (SPAA) design guidelines to create the Land Use Range Enabler to allow development above the low end the density range in certain single family districts to be approved by the Planning Commission through the Site Plan and Architectural Approval (SPAA) process and amend the architectural guidelines of Article 27, (SPAA) to minimize privacy impacts associated with increased density. A negative declaration has been prepared and circulated for the project.

Planning Director Schwob added that these amendments might achieve many of the infill development criteria that was referred by the Planning Commission to City Council. The city could have had more design control over the Linda Vista development if these amendments had been in place at the time.

HOLD PUBLIC HEARING;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY CONDUCTED FOR THE PROJECT HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN

ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES. AS A RESULT, RECOMMEND THE FILING OF A CERTIFICATE OF FEE EXEMPTION FOR THE PROJECT;

AND

RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF DRAFT NEGATIVE DECLARATION FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FURTHER FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S HOUSING AND LAND USE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF THIS ZONING TEXT AMENDMENT (PLN2005-000221) BECAUSE THE AMENDMENTS IMPLEMENT THE HOUSING GOALS FOR ALLOWING INCREASED RESIDENTIAL DENSITY WHILE MINIMIZING THE PRIVACY IMPACTS ON NEIGHBORING RESIDENCES;

AND

RECOMMEND PLN 2005-00221, PART ONE, TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A-1" (ZONING TEXT AMENDMENT).

- Item 4a. CITY OF FREMONT – R-3 and R-G District Text Amendments – (PLN2005-00221 part two) – to consider zoning text amendments to the Multi-family, R-G and R-3 districts clarifying density calculation requirements for multi-family projects, providing for minor deviations in density above or below the density ranges for the district, making the City Council the approving body for certain projects that exceed the expected density in portions of a project while meeting the overall density requirements for the total project and minor changes regarding lot size and the potential need for combining parcels for certain projects. A negative declaration has been prepared and circulated for the project.

HOLD PUBLIC HEARING;

AND

RECOMMEND THAT THE CITY COUNCIL FIND THE INITIAL STUDY CONDUCTED FOR THE PROJECT HAS EVALUATED THE POTENTIAL IMPACTS THAT COULD CAUSE AN ADVERSE EFFECT, EITHER INDIVIDUALLY OR CUMULATIVELY, ON WILDLIFE RESOURCES AND FIND THAT THERE IS NO EVIDENCE THE PROJECT WOULD HAVE ANY POTENTIAL FOR ADVERSE EFFECT ON WILDLIFE RESOURCES. AS A RESULT, RECOMMEND THE FILING OF A CERTIFICATE OF FEE EXEMPTION FOR THE PROJECT;

AND

RECOMMEND TO THE CITY COUNCIL THE ADOPTION OF DRAFT NEGATIVE DECLARATION FINDING THAT THERE IS NO SUBSTANTIAL EVIDENCE THAT THE PROJECT WILL HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FURTHER FIND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT;

AND

FIND THAT THE PROJECT IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S

HOUSING AND LAND USE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE REQUIRE THE ADOPTION OF THIS ZONING TEXT AMENDMENT (PLN2005-000221) TO IMPLEMENT THE HOUSING CHAPTER OF THE GENERAL PLAN AND TO CLARIFY THE PROCESS BY WHICH DENSITY OF PROJECTS ARE DETERMINED;

AND

RECOMMEND PLN2005-000221, PART 2, TO THE CITY COUNCIL IN CONFORMANCE WITH EXHIBIT "A-2" (ZONING TEXT AMENDMENT).

- Item 5. HENDERSON COURT PROPERTY – End of Henderson Court – (PLN2005-00333) – to consider a General Plan Conformity Finding to determine the appropriate land use designation for a portion of potentially surplus County-owned property located at the end of Henderson Court adjacent to County-owned property used by the Niles Canyon Railway in the Niles Planning Area. The proposed project is exempt under CEQA, Section 15312 (Surplus Government Property Sales).

HOLD PUBLIC HEARING;

AND

FIND THAT PLN2005-00333 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES IN THE GENERAL PLAN'S FUNDAMENTAL GOALS CHAPTER SET FORTH IN THIS REPORT;

AND

FIND THAT THE PROPOSED SURPLUS 1.2+ ACRE PORTION OF APN 507-0150-006-09 IS DESIGNATED LOW DENSITY RESIDENTIAL (5-7 UNITS/ACRE).

- Item 6. PURPLE LOTUS TEMPLE – Fox Avenue – (PLN2003-00313) – to consider a Conditional Use Permit application and Preliminary Grading Plan for a 55,560 square foot Buddhist temple (Purple Lotus Temple) with living quarters for 120 persons (monks and guests) and a maximum capacity of 150 persons in the main hall (water ceremony hall, cafeteria at same time) and a 32,400 square foot institute (Dharma Institute) with a capacity of 250 students (consisting of adults and high school students), including quarters for 50 students, on 5.5 acres located on Trailside Terrace (south side of Fox Avenue) in the Niles Planning Area. A Draft Mitigated Negative declaration was prepared and circulated in conjunction with this project.

CONTINUE TO JULY 14, 2005 TO ADDRESS THE CITY OF UNION CITY AND CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD COMMENTS.

The motion carried by the following vote:

AYES:	7 – Chan, Harrison, Lorenz, Lydon, Sharma, Weaver
NOES:	0
ABSTAIN:	0
ABSENT:	1 – King
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Report on actions of City Council Special Meeting.

Planning Director Schwob reported that the City Council held a special meeting to discuss Measure T. They ratified most of the work done and suggested that more precise definitions be created relating to pockets and projections. He expected to bring it back to the City Council on July 12th for a formal adoption. Concerning Planned Districts, City Council recommended that if they were established and were above the toe of the hill, people had the right to build out in accordance with the original rules without Measure T review. However, if a major amendment was made to the district, that would come back and it would be required to comply. A checklist for the R-1 properties that straddled the line would be created to allow staff to review and decide if there would be any major impacts under Measure T. In essence, City Council found that the most of the parameters for drawing the toe of the hill line were appropriate.

Commissioner Sharma asked if the toe of the hill would change significantly and how would this affect the Ponderosa and Avalon developments.

Planning Director Schwob believed it would not change significantly. The consultant recommended establishing a length, and possibly a depth, to the pockets and projections and add rules that stated how far in one could go and where to cut it and not cut off projections and pockets. Alternatives would be created for review and approval by the Council. The residents of Ponderosa and Avalon would be allowed to build out in accordance with their own Planned District regulations.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 7:20 p.m.

SUBMITTED BY:

APPROVED BY:

Julie Vidad-Balmoja
Recording Clerk

Jeff Schwob, Secretary
Planning Commission